

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :

of

Barker Brothers, Inc. :

1

AFFIDAVIT OF MAILING

for Redetermination of a Deficiency or a Revision :
of a Determination or a Refund of
Corporation Franchise Tax :
under Article 9A of the Tax Law
for the Year 1976. :

State of New York

County of Albany

Jay Vredenburg, being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 5th day of October, 1979, he served the within notice of Short Form Order by certified mail upon Barker Brothers, Inc., the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Barker Brothers, Inc.
1666 Summerfield St.
Brooklyn, NY 11227

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the petitioner herein and that the address set forth on said wrapper is the last known address of the petitioner.

Sworn to before me this
5th day of October, 1979.

Vateria Gary

J. J. Vredenburg

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :

of

Barker Brothers, Inc. :

AFFIDAVIT OF MAILING

for Redetermination of a Deficiency or a Revision :

of a Determination or a Refund of

Corporation Franchise Tax :

under Article 9A of the Tax Law

for the Year 1976. :

State of New York

County of Albany

Jay Vredenburg, being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 5th day of October, 1979, he served the within notice of Short Form Order by certified mail upon Allan R. Levine the representative of the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Mr. Allan R. Levine
Goldstein, Golub, Kessler & Co.
245 Park Ave.
New York, NY

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the representative of the petitioner herein and that the address set forth on said wrapper is the last known address of the representative of the petitioner.

Sworn to before me this
5th day of October, 1979.

Victoria Lamy

J. J. Vredenburg



Paul B. Coburn

STATE OF NEW YORK
DEPARTMENT OF
TAXATION AND FINANCE
ALBANY, NEW YORK 12227

~~XXXXXXXXXXXXX~~
~~BERTHELYN J. DAVIS~~

SECRETARY TO THE
STATE TAX COMMISSION

October 5, 1979

Barker Brothers, Inc.
1666 Summerfield Street
Brooklyn, New York 12227

Gentlemen:

Please take notice of the SHORT FORM ORDER of the
State Tax Commission enclosed herewith.

Very truly yours,

PAUL B. COBURN
Secretary to the State Tax
Commission

Enclosure

cc: Allan R. Levine, CPA
Goldstein, Golub, Kessler & Co., P.C.
245 Park Avenue
New York, NY 10017

Department of Taxation and Finance
Law Bureau

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition of :

BARKER BROTHERS INC. :

For a Redetermination of a Deficiency :
in Corporate Income Tax under Article :
9A of the Tax Law for the year 1976 :

SHORT FORM ORDER

Petitioner's motion for a Default Decision upon the grounds that the Law Bureau failed to file an answer within 60 days pursuant to Section 601.6 of the Rules of Practice is denied in view of the fact that petitioners' position in this matter has not been adversely affected by the short delay in service of an answer by the Law Bureau.

DATED: OCT 5 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :
of :
Berno Service Corp. :

AFFIDAVIT OF MAILING

for Redetermination of a Deficiency or a Revision :
of a Determination or a Refund of :
Corporation Franchise Tax :
under Article 9-A of the Tax Law :
for the Year 1972. :

State of New York
County of Albany

Jay Vredenburg, being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 8th day of August, 1979, he served the within Notice of Default by certified mail upon Berno Service Corp., the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Berno Service Corp.
37-11 126th St.
Corona, NY 11368

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the petitioner herein and that the address set forth on said wrapper is the last known address of the petitioner.

Sworn to before me this
8th day of August, 1979.

Victoria Gary

Jay G. Vredenburg

JAMES H. TULLY JR., PRESIDENT
MILTON KOERNER
THOMAS H. LYNCH

JOHN J. SOLLECITO
DIRECTOR

Telephone: (518) 457-1723

August 8, 1979

Berno Service Corp.
37-11 126th St.
Corona, NY 11368

Gentlemen:

Please take notice of the Default Order of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to Section(s) 1090 of the Tax Law, any proceeding in court to review this decision must be commenced within 4 months from the date of this notice.

Inquiries concerning the computation of tax due or refund allowed in accordance with this decision may be addressed to the Deputy Commissioner and Counsel to the New York State Department of Taxation and Finance, Albany, New York 12227. Said inquiries will be referred to the proper authority for reply.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John J. Sollecito", with a long, sweeping flourish extending from the bottom right.

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

BERNO SERVICE CORP.

DEFAULT ORDER

for Redetermination of Deficiency or for Refund of
Corporation Franchise
Taxes under Article(s) 9A of the Tax Law for the
Year(s) F/Y/E 10/31/72

Petitioner(s) Berno Service Corp., 37-11 126th St., Corona,

New York 11368 filed a petition for redetermination of deficiency
or for refund of Corporation Franchise taxes under Article(s)
9A of the Tax Law for the year(s) F/Y/E 10/31/72 . File No.(s) 22752

A Pre-Hearing Conference on the petition was scheduled before
Samuel Levy, Conferee , at the offices of the State
Tax Commission, 2 World Trade Center, New York, NY Room 65-51
on December 19, 1978 at 9:00 A.M. . Notice of said pre-hearing
conference was given to petitioner(s) ~~and petitioner(s) representative,~~

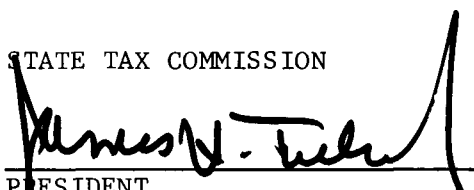
. Petitioner(s) ~~xxx xxx xxx (x) xxx xxx xxx~~ did
not appear at the pre-hearing conference . A default has been duly noted.

Now on motion of the attorney for the Department of Taxation and Finance,
it is

ORDERED that the petition of BERNO SERVICE CORP.
be and the same is hereby denied.

DATED: Albany, New York
August 8, 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER